

*Carlson v. Asset Recovery Services, et al.*

# EXHIBIT A

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF JASPER	)	
	)	Civil Action No. _____
John Carlson and Cynthia Carlson,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	<b>Summons</b>
	)	
Matthew Adam Cooper and Asset	)	
Recovery Services;	)	
	)	
Defendants.	)	
_____	)	

TO: DEFENDANT AND HIS COUNSEL

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint upon the subscriber, at 1544 Fording Island Rd, Suite A Hilton Head, South Carolina 29926 within thirty (30) days after the service hereof, exclusive of the day of service, and if you fail to answer the said Complaint within the time aforesaid, the Plaintiff will apply to the Court for the relief demanded in the Complaint, and judgment by default may be entered against you.

MORGAN &MORGAN

BY s/ Lauren Carroway, Esq.  
Lauren Heath Carroway  
SC Bar Number 72588  
1544 Fording Island Road, Suite A  
Hilton Head, South Carolina  
(854) 222-6075

*Attorneys for Plaintiff*

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF JASPER	)	Civil Action No. _____
John Carlson and Cynthia Carlson,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	<b>Complaint</b>
	)	
Matthew Adam Cooper and Asset	)	
Recovery Services;	)	
Defendants.	)	
_____	)	

NOW COMES John Carlson and Cynthia Carlson, Plaintiffs in the above-captioned action, and submits their Complaint against the Defendants as follows:

Identity of Parties and Jurisdictional Allegations

1. John Carlson is a citizen and resident of Beaufort, South Carolina. Plaintiff subjects himself to the jurisdiction of this Court by filing the present lawsuit.
2. Cynthia Carlson is a citizen and resident of Beaufort, South Carolina. Plaintiff subjects himself to the jurisdiction of this Court by filing the present lawsuit.
3. Upon information and belief, the Defendant Matthew Adam Cooper is a resident of Bloomdale, Georgia who regularly travels to Jasper County, South Carolina for work.
4. Upon information and belief, the Defendants Asset Recovery Services are corporations organized and existing under the laws of some state(s) other than South Carolina but each of which regularly and routinely transacts business, performs contracts, and operates within Jasper County, South Carolina.
5. This is an action for negligence, negligence per se, and gross negligence regarding a motor vehicle accident which occurred in Jasper County.
6. This Court has jurisdiction over the parties and subject matter of this action.

Facts Common to All Counts

7. All preceding allegations are realleged as if fully repeated verbatim herein.
8. On or about June 18, 2022 at about 3:50 p.m., John Carlson was driving on Highway 170 in Jasper County, South Carolina.
9. Cynthia Carlson was a passenger in the car driven by Joh Carlson.
10. At the same time and place, Defendant Matthew Adam Cooper caused his vehicle to strike John Carlson's vehicle, resulting in bodily injuries to John Carlson and Cynthia Carlson.

**FOR A FIRST CAUSE OF ACTION**

**(Negligence/Negligence Per Se/Gross Negligence as to Defendant Simmons)**

8. All preceding allegations are realleged as if fully repeated verbatim herein.
9. Defendant Cooper was negligent, willful, wanton, careless and grossly negligent at the time and place above-mentioned in one or more of the following particulars:
  - a) In failing and omitting to keep a proper lookout while operating a motor vehicle under the circumstances then and there prevailing;
  - b) In failing and neglecting to keep the vehicle under proper control or so to control the same as to have avoided the collision;
  - c) In driving and operating said vehicle upon a public highway in the State of South Carolina without exercising the degree of care, caution and prudence in the operation of said vehicle that a person of ordinary care, caution or prudence would have exercised under the same or similar circumstances;
  - d) In driving a vehicle with reckless disregard of life and property in violation of the S.C. Code of Laws 56-5-1900.
  - e) In such other particulars that the evidence may establish.

10. The foregoing acts and omissions by the Defendant were the direct and proximate cause of Plaintiffs' injuries, resulting in Plaintiffs' conscious pain and suffering. Such said acts and omissions of the Defendant are in violation of the statutes and laws of the State of South Carolina.
11. As a direct and proximate result of Defendant's negligence, Plaintiff has sustained permanent injuries which have required medical treatment and related expenses, and Plaintiff has missed time at work resulting in lost wages.
12. Plaintiffs are informed and believe that they are entitled to judgment against the Defendant for actual damages and punitive damages as may be set by jury.

**FOR A SECOND CAUSE OF ACTION**

**(Negligence as to Asset Recovery Serives under Respondeat Superior)**

13. The allegations of paragraphs 1-12 above are incorporated herein by reference as if each were fully restated verbatim.
14. On November 12, 2021, Defendant Cooper was employed by Defendant Asset Recovery Services as a laborer and had at the time of the wreck, been given a job by Asset Recovery Services and put on the road by Asset Recovery Services, for the purpose of accomplishing Asset Recovery Services' duties and generating income for Asset Recovery Services.
15. On June 18, 2022 at the time of the wreck, Defendant Cooper was operating his vehicle for the benefit of, and within the scope of his employment by, Defendant Asset Recovery Services

16. Under the established legal doctrine of respondeat superior, Defendant Asset Recovery Services is liable for these acts of its employee, Cooper, who was acting within the scope of his employment at the time of the wreck.

**WHEREFORE**, Plaintiffs are informed and believe they are entitled to a judgment against the Defendants and pray for judgment against the Defendants in such amount to be determined by the trier of fact, together with punitive damages in an appropriate amount, the costs of this action and for such other and further relief as this court may deem proper.

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By s/ Lauren Carroway, Esq.

Lauren Heath Carroway

SC Bar Number 72588

1544 Fording Island Road, Suite A

Hilton Head, South Carolina

(854) 222-6075

*Attorneys for Plaintiff*

**AFFIDAVIT OF SERVICE**

State of South Carolina

County of Jasper

Common Pleas Court

Case Number: 2022-CP-27-00375

Plaintiff:

**John Carlson and Cynthia Carlson**

vs.

Defendant:

**Matthew Adam Cooper and Asset Recovery Services**

Received by FALCON EXPRESS SERVICES, LLC to be served on **Matthew Adam Cooper, 304 E. Garvin Street, Bloomingdale, GA 31302**. I, Bennett Crisp, being duly sworn, depose and say that on the 15th day of August, 2022 at 6:35p .m., executed service by delivering a true copy of the **SUMMONS** and **COMPLAINT** in accordance with state statutes in the manner marked below:

( ) INDIVIDUAL SERVICE: Served the within-named person.

☒ SUBSTITUTE SERVICE: By serving Phyllis Cook as co-resident, who resides therein and is of suitable age and discretion.

( ) NON SERVICE: For the reason detailed in the Comments below.

( ) OTHER SERVICE TYPE: Service details listed in Comments below.

Military Status: ( ) Yes or ( ☒ ) No If yes, what branch? \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

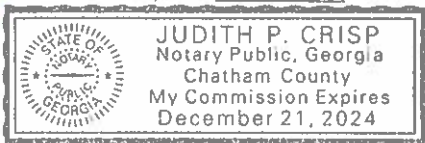
Age 70 Sex ☒ M ☐ F Race White Height 5'5" Weight 150 Hair Gray Glasses ☒ Y ☐ NIs the place of service the dwelling house or usual place of abode for the party being served? ☒ Yes ( ) No

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 17th day of August, 2022 by the affiant who is personally known to me.

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



BV  
 PROCESS SERVER # n/a  
 Appointed in accordance with State Statutes

**FALCON EXPRESS SERVICES, LLC**  
**P.O. Box 874**  
**Charleston, SC 29402-0874**  
**(843) 577-9696**

Our Job Serial Number: 2022005166

**AFFIDAVIT OF SERVICE**

State of South Carolina

County of Jasper

Common Pleas Court

Case Number: 2022-CP-27-00375

Plaintiff:

**John Carlson and Cynthia Carlson**

vs.

Defendant:

**Matthew Adam Cooper and Asset Recovery Services**

Received by FALCON EXPRESS SERVICES, LLC to be served on **Asset Recovery Services, LLC, 304 Station Trail, Savannah, GA 31406**. I, Bennett Crisp, being duly sworn, depose and say that on the 25th day of August, 2022 at 3:35p .m., executed service by delivering a true copy of the **SUMMONS and COMPLAINT** in accordance with state statutes in the manner marked below:

☒ CORPORATE SERVICE: By serving Bridgette Ortiz as Office Manager.

☐ GOVERNMENT AGENCY: By serving \_\_\_\_\_ as \_\_\_\_\_ of the within named agency.

☐ NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: \_\_\_\_\_

Age 45 Sex M Race White Height 5'7" Weight 140 Hair Brown Glasses Y N

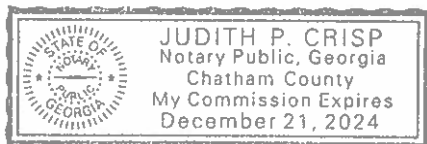
Is the place of service the dwelling house or usual place of abode for the party being served? ☐ Yes ☒ No

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 26th day of August, 2022 by the affiant who is personally known to me.

Judith P. Crisp  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



Bj  
PROCESS SERVER # n/a  
Appointed in accordance with State Statutes

**FALCON EXPRESS SERVICES, LLC**  
P.O. Box 874  
Charleston, SC 29402-0874  
(843) 577-9696

Our Job Serial Number: 2022005167



<p><b>STATE OF SOUTH CAROLINA</b></p> <p><b>COUNTY OF JASPER</b></p> <p><b>John Carlson and Cynthia Carlson,</b></p> <p style="text-align: center;"><b>Plaintiffs,</b></p> <p style="text-align: center;"><b>vs.</b></p> <p><b>Matthew Adam Cooper and Asset</b> <b>Recovery Services,</b></p> <p style="text-align: center;"><b>Defendants.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>IN THE COURT OF COMMON PLEAS</b></p> <p><b>FOURTEENTH JUDICIAL CIRCUIT</b></p> <p><b>CASE NO.: 2022-CP-27-00375</b></p> <p><b>ANSWER OF DEFENDANT MATTHEW</b> <b>ADAM COOPER</b> <b>(Jury Trial Demanded)</b></p>
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With full and complete reservation and assertion of any all potential defenses, including, but not limited to, all defenses available pursuant to Rule 12, SCRPC, pursuant to Rule 8(b), SCRPC, Defendant Matthew Adam Cooper (“Cooper”), hereby denies each and every allegation and claim for relief set forth in Plaintiffs’ Complaint and reserves his right, as set forth in Rule 15(a), SCRPC, to amend this pleading as a matter of right.

Respectfully submitted,

**HALL BOOTH SMITH, PC**

**/s/ Joseph D. Thompson, III**

Joseph D. Thompson, III, SC Bar #66580

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Mount Pleasant, South Carolina 29464

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*Attorneys for Defendant Matthew Adam Cooper*

September 14, 2022

Mount Pleasant, South Carolina